IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.	:	**09/540,900**
Filed	:	March 31, 2000
Applicant	:	Kight, et al.
Title	:	Bill Payment System and Method With Consumer Supplied Information Validation
TC/AU	:	3624
Examiner	:	S. Karmis
Docket No.	:	23952-0050
Customer No.	:	29052

DECLARATION UNDER 37 CFR 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Patricia A. Kight, hereby declare that:

1.   I have over 18 years experience working in the field of electronic bill presentment and payment.

2.   I am not an inventor for the above-referenced patent application.

3.   I am employed by CheckFree Corporation, assignee of the above-referenced patent application.

5.   I have reviewed the above-referenced patent application, including all of the amendments made thereto, and the Office Action mailed August 8, 2006, in connection with the above-referenced patent application. In particular, I have carefully considered the present rejection based on the use of the phrase "validating a request to determine if the consumer

account number confirms to an account scheme associated with the merchant" in light of the Specification and claims of the present application.

6.   In the Office Action it is stated that the Specification of the present application does not provide adequate description to enable one of ordinary skill in the art to make and/or use the invention. However, upon review of the application it is my opinion that one of ordinary skill in the art at the time the application was filed would fully appreciate and understand the invention as claimed, including the validation step, and would be able to practice the claimed invention without any undue experimentation.

7.   The Specification clearly describes the validation of a consumer's records on at least page 8, lines 10-17 (with reference to FIG. 3), which is directed to the creation of a pay table 38, that is, a table that reflects payments to be made based on payment requests received from consumers. The received consumer's files may include new merchant records (p. 8 line 14) or payment records (p. 8 line 18). New merchant records specify merchants the consumer is establishing as merchants to be paid (payees). As discussed at the end of the paragraph in p. 8 lines 10-17, new merchants not already present on the MMF 422. would be added to the MMF 42. The process of a consumer adding a new payee may entail the consumer providing the service provider with his account number with the merchant, as described in connection with FIG. 2 and the corresponding text beginning on page 6, line 15, of the Specification. Utilizing the received consumer's file, the "consumer's records may be edited 44 for validity by comparing to the merchants' account scheme" (page 8, lines 12-13). The edit step 44 is identified in FIG. 3 as the Merchant Edits, which is associated with the addition of any new merchants as identified in a comparison to the MMF 42. As stated in the specification:

Any new merchant records are added to the consumer's pay table. New merchants are compared to the MMF 42 and appropriately cross-referenced to the pay table to check if a merchant record already exists. If no merchant record exists, a merchant record will be created on the MMF 42.

(Page 8, lines 13-17.)

8.   In contrast, the consumer data records discussed in the Office Action are created and stored in the consumer database 22 during the process of establishing a new customer, as described in the Specification on page 5 in connection with FIG. 1, and are not relevant to the discussion pertaining to validating consumer account numbers during the processing of a payment request. Specifically, the consumer's data records mentioned in the first paragraph of page 4 of the Office Action are stored in the consumer database 22 of FIG. 1 and are established at the time a consumer is added to the system. As noted in the Office Action, these records contain consumer information such as name, address and telephone number.

9.   However, the term "record" is utilized through out the Specification to refer to database or file entries, which is a well known and common usage of the term "record" in the software industry. Thus, it is my opinion that the consumer data records stored in the consumer database 22 as discussed on page 5 of the Specification would not be confused with the consumer's records from the consumer's file received and processed in the creation of a pay table 38, as discussed on page 8 of the Specification. In particular, these are two distinct processes described at different points within the Specification.

10.   In addition, with reference to page 14, lines 2-4, of the Specification, provided is a discussion of an exemplary payment of multiple transactions utilizing an embodiment of the present invention. In the process of validating the these transactions, it is stated that the "account numbers provided by the consumer for the merchants to be paid, are also checked to determine if they are valid. Assuming the merchant account numbers are valid, the program begins with the first dollar analysis." (Page 14, lines 2-4.) It is clear to me that this is consistent with and corroborates the discussion of the first citation on page 8, wherein the consumer's record is edited 44 "for validity by comparing to the merchants' account scheme." While the this second citation doesn't expressly state that the account number for the merchant is compared to a merchant's account scheme, it is clear within the context of this example that the validation of the account number that is described on page 8 applies to this example on page 14 which states that the account numbers are checked "to determine if they are valid."

11.   In the Office Action it also is stated that the specification gives no description that would enable one of ordinary skill in the art to understand what qualifies as "conforming to an account scheme." However, it is my opinion that at the time of the present invention a person of ordinary skill in the art would fully appreciate and understand the meaning of this phrase and what qualifies as "conforming to an account scheme."

12.   It was known prior to the filing of the present invention that companies utilize different formats or patterns for their account numbers. Account numbers have historically comprised a sequence of alphanumeric characters of a certain length, often with predetermined structures. While one reason that companies utilize unique schemes for their account numbers is to distinguish their account numbers from those of other companies, a variety of other benefits

-4-

are derived in defining one's own scheme, such as the ability to encode certain data (e.g., geographic location of the customer) for more efficient processing purposes, fraud prevention, and routing. For example, the American Express Company utilizes an account scheme whereby the account number includes 15 numerical characters, with the first character always beginning with the number 3. As another example, Cingular Wireless utilizes an account scheme whereby the account number include 8 numeric characters, a dash, 3 numeric characters, a dash, and 2 numeric characters.

13.   I was familiar with the term "account scheme" before the filing of the present application, and understood it to mean a format or pattern an entity (such as a merchant) utilizes for its account numbers, as described above in Paragraph 12. Similarly, it is my opinion that at the time the present application was filed others of ordinary skill in the art also would know what was meant by the term "account scheme" as such term was widely used prior to the filing of the present application to refer to a format or pattern of an account number for a particular merchant or service provider, which is consistent with its use in the present application.

14.   The phrase "comparing to an account scheme," as utilized in the present application, would be understood by one of ordinary skill in the art at the time the present application was filed to mean that the account number that a consumer provides for a certain merchant is compared to an account scheme to determine if it conforms. For example, if the consumer supplies an American Express bill for payment and the account number provided by the consumer began with the number 4, includes only 14 characters, or includes an alphabetic character, then the account number would not confirm to an American Express account scheme and accordingly fail this validation edit.

15.   The Specification sufficiently describe this process of validating an account number by comparing it to an account scheme on at least page 8, lines 10-17 (in connection with Figure 3) and in the example on page 14, lines 2-4, such that it is my opinion that one skilled in the art would understand that qualifies as "confirming to an account scheme." Accordingly, the Examiner's opinion to the contrary is untenable.

16.   I declare that all statements made herein of my own knowledge and belief are true and that all statements made on information and belief are believed to be true, and further that the statements are made with the knowledge that willful false statements are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

_____   2-6-2007
PATRICIA A. KIGHT   Date